

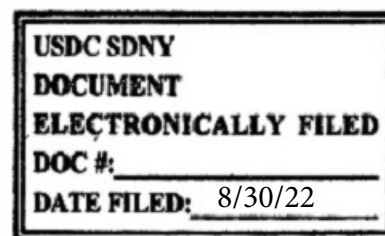


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 DAOMINE ZAMILUS  
 \* ALSO ADMITTED IN NEW JERSEY  
 \*\* ALSO ADMITTED IN WASHINGTON, D.C.  
 \*\*\* ALSO ADMITTED IN NEW JERSEY AND CONNECTICUT  
 + AWAITING ADMISSION  
 ++ OF COUNSEL

August 29, 2022



**MEMO ENDORSED**

VIA ECF ONLY

The Honorable Barbara C. Moses  
 Magistrate Judge  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

Re: **REQUEST FOR PRE-MOTION CONFERENCE**  
*International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Union Local 361, et al. v. Low-Bid Inc., et al.*  
 Index No.: 20 Civ. 4979 (LGS)

Dear Judge Moses:

As you are aware, Plaintiffs in this matter served their automatic disclosures on Defendant George McNulty on April 11, 2022, in accordance with Fed. R. Civ. P. 26(a)(1). On April 22, 2022, Plaintiffs served their initial request for the production of documents on Mr. McNulty, per the Initial Case Management Order. On April 28, 2022, Plaintiffs served their response to Defendant's initial request for the production of documents on Mr. McNulty. Plaintiffs still have not received, however, Defendant's automatic disclosures pursuant to Fed. R. Civ. P. 26(a)(1), or a response to their initial request for the production of documents.

Plaintiffs now seek to compel discovery pursuant to Fed. R. Civ. P. 37(a). In accordance with Your Honor's individual rules, on June 2, 2022, around 11:00 a.m. EDT, the parties met telephonically and conferred in good faith about Mr. McNulty's failure to make discovery in an effort to obtain it without court action. Damien O. Maree represented the Plaintiff's on the call, Mr. McNulty was the lone Defendant. The meeting lasted approximately 10 minutes. Mr. McNulty asked that Plaintiffs resend him their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1), and their initial request for the production of documents. Plaintiffs sent both requested items later that day via email. Defendant, Mr. McNulty, however, has continued to fail to make the requisite discovery. Plaintiff's Initial Request for the Production of Documents is annexed hereto as Exhibit "A". Per Your Honor's July 14, 2022 Order, Mr. McNulty was to serve his automatic disclosures pursuant to Fed. R. Civ. P. 26(a)(1), and respond to Plaintiffs' initial request for the production of documents, no later than **July 29, 2022**.

As of this date, however, Plaintiffs have still yet to receive Defendant's automatic disclosures pursuant to Fed. R. Civ. P. 26(a)(1), or a response to their initial request for the production of

Hon. Barbara C. Moses  
Magistrate Judge  
August 29, 2022  
Page 2

documents. Mr. McNulty has expressed no position as to why the documents should be excused from disclosure. Plaintiffs are currently unable to proceed with further discovery. Accordingly, Plaintiff's request the scheduling of a pre-motion discovery conference, pursuant to Local Civil Rule 37.2.

Respectfully submitted,

COLLERAN, O'HARA & MILLS LLP.  
Attorneys for Plaintiffs

By: 

DAMIEN C. MAREE

Enclosures:

Exhibit A – Plaintiff's Initial Request for the Production of Documents

cc: George T. McNulty (via email)

Defendant McNulty shall SHOW CAUSE IN WRITING, no later than **September 6, 2022**, why a default judgment should not be entered against him, or other sanctions imposed, due to his failure to comply with his discovery obligations. SO ORDERED.



Barbara Moses  
United States Magistrate Judge  
August 30, 2022